

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 04-1662

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Kelly Ann Vanfossen,

Appellant,

v.

Jay Saxton, Deputy Public Defender;  
Lisa Evans, Deputy Public Defender;  
Public Defender's Office,

Appellees.

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Appeal from the United States  
District Court for the  
Western District of Arkansas.  
[Unpublished]

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Submitted: September 24, 2004  
Filed: October 5, 2004

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Before MURPHY, FAGG, and SMITH, Circuit Judges.

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PER CURIAM.

Kelly Ann Vanfossen appeals the district court's<sup>1</sup> dismissal of her 42 U.S.C. § 1983 claims against two state public defenders and the public defender's office. Vanfossen alleged that her public defenders had not effectively represented her

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<sup>1</sup>The Honorable Jimm Larry Hendren, Chief Judge, United States District Court for the Western District of Arkansas, adopting the report and recommendations of the Honorable Beverly Stites Jones, United States Magistrate Judge for the Western District of Arkansas.

during state criminal proceedings. The district court dismissed Vanfossen's complaint after determining that her public defenders had not acted under color of state law. Having carefully reviewed the record and the applicable legal authority, we find no error in the district court's disposition of this matter. Accordingly, the judgment of the district court is affirmed. See 8th Cir. R. 47B.

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